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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,434	11/28/2001	Hiroyuki Yamamoto	9683/95	3419

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,434

Applicant(s)

YAMAMOTO ET AL.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Disposition of the claims

II. The current office-action is in response to the amendments/remarks filed on 09/26/2006. Accordingly, Claims 1-62 are pending for further examination as follows:

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kimoto et al.** [US 6115611] in view of **Havinis et al.** [US 6295454].

Regarding Claims 1, 14-19, 27, 40, 43-44, 49, 52-54 **Kimoto** disclosed a location reporting method (Abstract), comprising the steps of:

Identifying with said mobile communication terminal a format of said down data (i.e. a converting unit; col.56; 46-60)

Acquiring at said mobile communication terminal location information indicating a location of said mobile communication terminal; (i.e. The up-load data transmitting unit 13 transmits information or a service relating to the above position information as up-load data to the information center 2. The information/service utilizing unit 14 utilizes information or a service relating to the position information transmitted from the information center 2; col.16; 23-33) and

Kimoto doesn't disclosed explicitly, receiving by a mobile communication terminal, from a computer through a mobile communication network, down data containing a request for location information; adding, at said mobile communication terminal, said acquired location information to said down data in accordance with said format of said down data, transmitting a resulting data to said computer as up data. However, **Havinis** teaches in an analogous art, that receiving by a mobile communication terminal, from a computer through a mobile

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communication network, down data containing a request for location information; (i.e. LA 280 sends the positioning request to the mobile terminal; col.5; 7-28). Adding, at said mobile communication terminal, said acquired location information to said down data in accordance with said format of said down data, transmitting a resulting data to said computer as up data. (Col.5; 29-41, col.6; 29-39, col.3; 12-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Kimoto** including receiving by a mobile communication terminal, from a computer through a mobile communication network, down data containing a request for location information; adding, at said mobile communication terminal, said acquired location information to said down data in accordance with said format of said down data, transmitting a resulting data to said computer as up data in order to provide a Mobile Station (MS) that calculates its own position within a cellular network to report that calculated location to the requester.

Regarding Claims 2-7, 28-32, 50-51, 55-57, 61-62 **Kimoto** teaches all the particulars of the claim except wherein said steps performed by said mobile communication terminal further include the step of: detecting whether said down data contains a character string requesting location information acquisition time; and if said character string requesting location information acquisition time is detected then; Wherein, said acquiring step further includes acquiring the acquisition time of said location information; and wherein, said transmitting step further includes adding said acquired location information acquisition time before transmission. However, **Havinis** teaches in an analogous art, that a location reporting method as described in claims 1, 27, 49 respectively, wherein said steps performed by said mobile communication terminal further

include the step of: detecting whether said down data contains a character string requesting location information acquisition time; and if said character string requesting location information acquisition time is detected then; (col.5; 29-41, col.6; 56-65, col.3; 12-31)

Wherein, said acquiring step further includes acquiring the acquisition time of said location information; and wherein, said transmitting step further includes adding said acquired location information acquisition time before transmission. (Col.5; 65-Col.6; 28)

Regarding Claims 8-10, 33-35, 58-60 Kimoto disclosed A location reporting method as described in claims 1, 27, 49 respectively, wherein, after said down data is received, said location information is acquired and transmitted at predetermined intervals. (Col.40; 25-40).

Regarding Claims 11, 24, 36, 47 Kimoto disclosed A location reporting method as described in claims 1, 23, 27, 46 respectively, wherein, said acquiring step includes generating, by said mobile communication terminal, the location of said mobile communication terminal using a global positioning system. (Col.37; 47-57)

Regarding Claim 12, Kimoto disclosed A location reporting method as described in claim 1, wherein, said acquiring step includes the steps of: transmitting, by said mobile communication terminal, a request signal requesting a predetermined node of said mobile communication network to generate the location information; generating, by said predetermined node, the location information of said mobile communication terminal in response to said request signal and transmitting said location information to said terminal; and receiving, by said mobile

communication terminal, the location information transmitted from said node. (i.e. an URL;
col.56; 46-col.57; 25)

Regarding Claim 13, Kimoto disclosed A location reporting method as described in claim 12, further comprising the step of: receiving, by said mobile communication terminal, radio waves transmitted from a plurality of satellites constituting a global positioning system; wherein, said step of transmitting request signal includes transmitting information contained in a plurality of said received radio waves, together with said request signal; and wherein, said step of generating location information includes generating said location information using the information contained in said plurality of radio waves. (col.51; 22-36)

Regarding Claims 20, Kimoto disclosed A location reporting method as described in claims 1, 27 respectively, wherein, said computer is an information providing server for providing said mobile communication terminal with location-related information relating to the location of said mobile communication terminal. (Col.37; 63-col.38; 12)

Regarding Claims 21, 25 Kimoto disclosed A location reporting method as described in claims 1, 23, respectively, wherein, said computer is a terminal connected to a network and capable of transmitting and receiving data by radio or wire. (Col.37; 63-col.38; 12)

Regarding Claims 22, 26 Kimoto disclosed A location reporting method as described in claims 1, 23, respectively, wherein, said mobile communication terminal is a portable telephone for performing phone conversations by radio. (Col.37; 63-col.38; 12)

Regarding Claim 23, Kimoto disclosed A location reporting method for reporting, to a predetermined computer, location information of a mobile communication terminal acquire in a mobile communication network serving the mobile communication terminal which is capable of performing radio communication, comprising the steps of: (i.e. In the information center 2E, the retrieving unit 22E retrieves corresponding information or service in the accumulating unit 21E on the basis of the request from the mobile terminal 1J, and the information/service transmitting unit 23E, takes out the retrieved information or service from the accumulating unit 21E, and sends the information or service to the mobile terminal 1J. The mobile terminal 1J accumulates the received information or service in the accumulating unit; col.27; 17-25)

Acquiring by said mobile communication terminal location information indicating said location of said mobile communication terminal for use by a destination mobile communication terminal; (i.e. The up-load data transmitting unit 13 transmits information or a service relating to the above position information as up-load data to the information center 2. The information/service utilizing unit 14 utilizes information or a service relating to the position information transmitted from the information center 2; col.16; 23-33)

Kimoto doesn't disclosed clearly, mobile communication terminal retrieving from memory a pre-stored network address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal in conjunction

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with said location information transmitting, by said mobile communication terminal, said prestored network address for receipt by said destination mobile communication terminal after adding said acquired location information to said prestored network address. However, **Havinis** teaches in an analogous art, that said mobile communication terminal retrieving from memory a pre-stored network address indicative of a server that provides map location information that is accessible by said destination mobile communication terminal in conjunction with said location information transmitting, by said mobile communication terminal, said prestored network address for receipt by said destination mobile communication terminal after adding said acquired location information to said prestored network address. (Col.5; 29-41, col.6; 29-39, col.6; 56-65, col.3; 12-31)

Regarding Claim 37, Kimoto disclosed A mobile communication terminal as described in claim 27, wherein, said acquiring means includes: request transmitting means for transmitting a request signal requesting a predetermined node of said mobile communication network to generate the location information; and location information receiving means for receiving the location information transmitted, in response to said request signal, from said node. (i.e. an URL; col.56; 46-col.57; 25)

Regarding Claim 38, Kimoto disclosed A mobile communication terminal as described in claim 37, further comprising: means for receiving radio waves transmitted from a plurality of satellites constituting a global positioning system, wherein, said request signal transmitting

means transmits information contained in said plurality of received radio waves, together with said request signal. (col.51; 22-36)

Regarding Claim 39, Kimoto disclosed A mobile communication terminal as described in claim 27, wherein, said acquiring means is capable of acquiring location information by a plurality of different location measuring methods, and said down data contains information designating a location measuring method; wherein, said acquiring means includes means for selecting a location measuring method designated by said down data, from among said plurality of the location measuring methods; and wherein, said transmitting means transmits, carried on said up data, location information acquired by said acquiring means according to said selected location measuring method. (Col.37; 47-57)

Regarding Claim 41, Kimoto disclosed A mobile communication terminal as described in claim 39, wherein, said location measuring method includes either one of a method using a global positioning system, or a method of identifying a base station covering an area in which said mobile communication terminal is located. (Col.37; 47-57)

Regarding Claim 42, Kimoto disclosed A mobile communication terminal as described in claim 39, wherein said location information contains: latitude and longitude; or information based on an administrative classification. (Col.37; 47-57)

Regarding Claim 45, Kimoto disclosed A mobile communication terminal as described in claim 27, wherein said mobile communication terminal is a portable telephone for performing phone conversations by radio. (Col.37; 63-col.38; 12)

Regarding Claim 46, Kimoto disclosed A mobile communication terminal served by a mobile communication network and reporting location information of itself to a predetermined computer, (i.e. In the information center 2E, the retrieving unit 22E retrieves corresponding information or service in the accumulating unit 21E on the basis of the request from the mobile terminal 1J, and the information/service transmitting unit 23E, takes out the retrieved information or service from the accumulating unit 21E, and sends the information or service to the mobile terminal 1J. The mobile terminal 1J accumulates the received information or service in the accumulating unit; col.27; 17-25) comprising:

Acquiring means for acquiring location information indicating a location of said mobile communication terminal for use by an arbitrary terminal; (i.e. The up-load data transmitting unit 13 transmits information or a service relating to the above position information as up-load data to the information center 2. The information/service utilizing unit 14 utilizes information or a service relating to the position information transmitted from the information center 2; col.16; 23-33) and

Kimoto doesn't disclosed evidently, transmitting means for adding said acquired location information to a network address of a server configured to supply map information based on said location information, said map information displayable by said arbitrary terminal, wherein said transmitting means is configured to transmit said address and said location information for

receipt by said arbitrary terminal to allow a present location of said mobile communication terminal to be mapped by said arbitrary terminal using said location information and said network address to obtain map information. However, **Havinis** teaches in an analogous art, that transmitting means for adding said acquired location information to a network address of a server configured to supply map information based on said location information, said map information displayable by said arbitrary terminal, wherein said transmitting means is configured to transmit said address and said location information for receipt by said arbitrary terminal to allow a present location of said mobile communication terminal to be mapped by said arbitrary terminal using said location information and said network address to obtain map information. (Col.5; 29-41, col.6; 29-39, col.6; 56-65, col.3; 12-31).

Response to Amendments & Arguments

IV. Applicant's arguments with respect to claims 1-62 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.



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Art Unit 2617